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March 21, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

Re: Justice Department's Failure to Investigate White House E-Mails

Dear General Reno:

On March 8, 2000, I wrote to you about the Justice Department's apparent failure to make any effort to obtain a large category of documents potentially relevant to the campaign fundraising investigation. In that letter, I pointed out that the Justice Department had not contacted any of the contractors responsible for the White House e-mail system, and had apparently not pushed the White House to produce this information to the Justice Department.

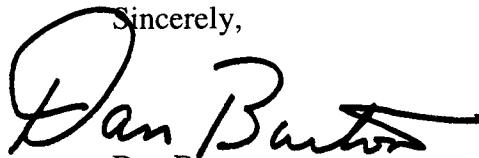
However, as the Committee has investigated this matter, I have learned that not only has the Justice Department failed to push for any of this information, it is actually playing a key role in keeping the information from coming to light. Currently, the Justice Department is representing the Executive Office of the President ("EOP") in civil suits brought in the "Filegate" case. In recent pleadings, plaintiffs have alleged suppression of evidence and threatening of witnesses concerning mismanaged White House e-mail records that may touch on Filegate matters affecting their case. Rather than responding to the Plaintiffs' allegations with concern, or even withdrawing from the case, the Justice Department lawyers have responded like seasoned defense counsel: they disparaged the plaintiffs' claims; they said that this was old news; and they claimed that it would be impossible to produce the e-mails. In its March 6, 2000, memorandum to the court, the Justice Department first characterized the plaintiffs' allegations as "offensive." Then, it stated that the "technical failure [to produce the e-mails] is a long-standing matter of public record that has been confirmed by the White House itself." Finally, the Justice Department stated that the "EOP has advised both plaintiffs and this Court on innumerable occasions that it has not produced any backed-up or archived e-mail in response to plaintiffs' many discovery requests. Time and again, EOP has forthrightly objected that it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in a non-word searchable format."

While the Justice Department's zeal in defending its client, the White House, is understandable, it is also troubling. The Justice Department is supposed to be conducting a thorough criminal investigation of allegations of illegal fundraising in the 1996 elections, including allegations about White House involvement in the scandal. Just last week, you stated that "the investigation continues, and we will continue to pursue every lead." Yet, the Justice Department's filing in the Filegate case makes it clear that you are not making any effort to follow this lead. In fact, the Justice Department is disparaging these claims, and is assisting the White House in its efforts to keep these records from being produced to the Justice Department or any other investigative body. These facts lead me to ask a number of questions:

- When did the Justice Department learn of the problem with the White House e-mail system?
- When was the Campaign Financing Task Force informed of the problem with the White House e-mail system?
- Is it the opinion of the Campaign Financing Task Force that allegations that White House e-mails were not produced to the Task Force are "offensive," as the Justice Department suggested in its recent legal brief?
- Is it the Campaign Financing Task Force's position that "it is unduly burdensome to perform broad-based searches of archived and backed-up e-mail, especially e-mail stored in non-word searchable format," as suggested in the Justice Department's brief?

When FBI Director Freeh and Charles La Bella concluded that you were not able to conduct the campaign fundraising investigation, they were obviously right. This conclusion was reinforced when it was learned that your prosecutors had failed to question either the President or the Vice President about any aspect of the foreign money scandal during five separate interviews. It is inconceivable that the Justice Department can on one hand help the White House avoid production of the missing e-mails, and on the other hand, aggressively pursue the e-mails in the campaign fundraising investigation.

Sincerely,



Dan Burton
Chairman

cc: The Honorable Henry A. Waxman, Ranking Minority Member